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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,964	09/20/2001	Edwin Earl Freed	9803-102	1909
32291	7590	06/14/2005	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP				DINH, KHANH Q
710 LAKEWAY DRIVE				
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SUNNYVALE, CA 94085				
				2151
DATE MAILED: 06/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	FREED, EDWIN EARL	
09/955,964		
Examiner Khanh Dinh	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This is in response to the Amendment filed on 3/21/2005. Claims 1-15 and new claims 16-18 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al., US pat. No.6,549,957 in view of Nielsen et al., US pat. No.5,870,548. As to claim 1, Hanson discloses a method for an email server (message processing system 15 fig.1) to reduce the unintended duplication of messages forwarded to an email recipient, comprising:

forming a first composite message comprising a first email message and computing and storing a first representative value for said first composite message (see abstract, figs.1, 2, col.7 lines 3-58).

forming, after said first composite message, a second composite message comprising a second email message and computing a second representative value (using data structure including hashblock data) for said second composite message

(setting up an email system to monitor the email communication, see fig.9, col.7 line 59 to col.8 line 31 and col.10 lines 19-54).

comparing said first and second representative values (checking for any recognized signature in the master signature database) and

forwarding said second email message to an email recipient only if said first and second representative values do not indicate duplication (see fig.6, col.8 line 32 to col.9 line 22).

discarding at least one stored representative value based on at least one predetermined criterion (see col.9 line 23 to col.10 line 54 and col.13 lines 8-53).

Hanson does not specifically disclose an email server does not receive a confirmation from a client in response to a receipt message sent by the email server. However, Nielsen discloses receive a confirmation from a client in response to a receipt message sent by the email server (the recipient's email system returning a confirmation message to the email server, see fig.10A, col.14 line 22 to col.15 line 39 and col.16 lines 26-60). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Nielsen's teachings into the email system of Hanson to process email messages because it would have provided enhanced facilities to users of electronic email in a communications network.

As to claims 2 and 3, Hanson discloses said first and second representative values are hash values and said first composite message is formed prior to receiving said second email message (see col.10 line 21 to col.11 line 44).

As to claims 4 and 5, Hanson discloses the at least one stored representative value is discarded in a predetermined time after it is created col.13 lines 8-57 and col.14 lines 12-63) and the at least one stored representative value is discarded when the list of stored representative values grows to a predetermined size (see col.15 line 31 to col.16 line 9).

Claims 6-10 are rejected for the same reasons set forth in claims 1-5 respectively.

Claims 11-15 are rejected for the same reasons set forth in claims 1-5 respectively.

As to claims 16-18, Nielsen further discloses a receipt message representing an acknowledgement for the client that the email server received the message in full (see col.14 line 22 to col.15 line 15 and col.17 lines 24-58). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Nielsen's teachings into the email system of Hanson to process email messages because it would have provided enhanced facilities to users of electronic email in a communications network.

Response to Arguments

4. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Claims 1-18 are rejected.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (703) 872-9306.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to response within the period for response will cause the application to become abandoned (35 U. S. C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh
Patent Examiner
Art Unit 2151
6/10/2005